THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 20742 of 2005

Date:06-07-2007

Between:

Sandila Balraj .. **PETITIONER**

AND

The Seniior Divisional Retails Sales Manager, D.O., IOC Ltd.,Vijayawada and two others.

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RESPONDENTS

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ORDER:

The petitioner seeks to issue a writ of mandamus setting aside the appointment of the 3rd respondent as operator of Kisan Seva Kendra of Rajampet village and mandal, Nalgonda District, dated 14.09.2005.

It is the case of the petitioner that pursuant to the notification issued by the respondents 1 and 2 for appointment of operators under Kisan Seva Kendra by the Indian Oil Corporation to supply diesel lubricating oils for agricultural productivity at their door steps, the petitioner and the third respondent have applied for the said posts. It is stated that the third respondent has been selected who is not a resident of Rajampet village and who is not having sufficient land and therefore, the appointment of the third respondent is illegal.

A counter has been filed by the respondents 1 and 2 stating that as per the said notification, dated 30-.06.2005 for appointment of Kisan Seva Kendra operators at various locations including Rajampet in Nalgonda District under open category, the petitioner and the third respondent have applied and they were found to be eligible and the third respondent has been appointed.

The main contention of the petitioner is that the residential certificate obtained by the third respondent to the effect that he is native of Rajampet is false and in fact, he does not belong to Rajampet and he is not at all residing at Rajampet for the past seven years as stated by him.

The perusal of the said residential certificate produced by the third respondent goes to show that he is residing at the given address

for the last seven years. The said residential certificate said to have been issued by the Mandal Revenue Officer is not at all signed by the Mandal Revenue Officer and therefore, it cannot be said that the said certificate is a genuine one.

The perusal of the record produced by the learned counsel appearing for the third respondent goes to show that though the said certificate is found in the file, but there is no signature of the issuing authority on the said certificate and therefore, it cannot be said that the said certificate is a genuine one. That being so, I am of the opinion that it is just and proper for the second respondent to enquire about the genuineness of the said certificate produced by the third respondent. If it is found that the certificate produced by the third respondent is found false, it is for the second respondent to take appropriate action to cancel the appointment of the third respondent for the fraud played by him. If the said certificate produced by the third respondent is found to be genuine one, it is for the respondents 1 and 2 to confirm the said appointment of the third respondent.

In view of the facts and circumstances of the case, the respondents 1 and 2 are directed to conduct enquiry with regard to the genuineness of the residential certificate produced by the third respondent at the time of his appointment and take appropriate action.

Accordingly, the writ petition is disposed of with the above observations. No costs.

V.ESWARAIAH, J.

Date:06.07.2007
CCM